[VB] VANDEVENTER BLACK LLP

Attorneys At Law

Stephan F. (Hobie) Andrews

804.237.8803 – direct

804.237.8801 – fax

sandrews@vanblk.com

707 East Main Street, Suite 1700., P.O. Box 1558. Richmond, Virginia 23218-1558. Office 804.237.8800. Fax 804.237.8801

October 20, 2005

VIA FEDERAL EXPRESS

Linda Batchelor Smith, Clerk Hampton Circuit Court

101 King's Way Mall Hampton, Virginia 23669-0040

Re: Joyce Patterson-Beggs et al. v. Allied Broker's, Inc. et al.

Case No.: 650CL97036817-01

Dear Ms. Smith:

I have enclosed a Motion to Quash Subpoena to be filed on behalf of Pete A. Lipphardt and Stroud Pence & Associates, LTD. Please note that the subpoena is returnable on October 21, 2005 at 2:00 pm.

Thank you for your cooperation.

SFA/de Enclosure

Cc: Joyce Paterson-Beggs (via overnight mail)

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VIRGINIA: HAMPTON CITY CIRCUIT COURT

JOYCE PATTERSON-BEGGS et al.

v.

CASE NO. 650CI.97036817-01

ALLIED BROKER'S INC. et al.

MOTION TO QUASH SUBPOENA DUCES TECUM

NOW COMES Pete A. Lipphardt ("Lipphardt") and Stroud, Pence & Associates, LTD ("SP&A") (collectively "Respondents"), by counsel, and move this Court to quash the subpoena duces tecum. Respondents state as follows in support of their motion:

1. The subpoena duces tecum, a copy of which is attached hereto as Exhibit A, was served on Respondents and seeks the production of an Inspection Report dated December 11, 2003 as well as the appearance on October 21, 2005 of Lipphardt to serve as a witness to identify the Report. The party that issued

the subpoena also seeks to compel Lipphardt to serve as an expert witness. The subpoena is defective on multiple grounds.

2. First, the subpoena was issued pursuant to Virginia Code § 16.1-89 (1950 as amended), as an "attorney-issued subpoena duces tecum." The issuing party, pro se plaintiff Joyce Patterson-Beggs, is not an attorney and the subpoena is accordingly defective.

3. Second, the subpoena purports to command the attendance of Lippardt at the October 21, 2005 hearing. Even if the subpoena duces tecum is proper and effective, it operates only as to the requested documents and is not sufficient to compel

the appearance of a witness. This appears to be noted on the face of subpoena where the Clerk directs only the production of "those records as set forth in the attached request."

WHEREFORE, Pete A. Lipphardt and Stroud Pence & Associates, LTD respectfully move this Court to quash the subpoena duces

tecum and toward Respondents their costs and such other relief as justice may demand.

Respectfully submitted,

Pete A. Lipphardt and STROUD PENCE & ASSOCIATES, LTD

Signature Stephan F. Andrews

By: Stephan F. Andrews, Esq. (VSB No.: 23756) Vandeventer Black LLP 707 East Main Street P.O. Box 1558 (23218)

Richmond, Virginia 23219 Telephone: (804) 237-8803

Facsimile: (804) 237-8801

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CERTIFICATE OF SERVICE

I hereby certify the foregoing was served upon the following via Federal Express on this 20th day of October, 2005 to:

Joyce Patterson-Beggs 312 South Willard Avenue Hampton, Virginia 23663 Phone: 757-265-7784 Fax: 757-265-7784

Signature Stephan F. Andrews

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HAMPTON CIRCUIT COURT - LAW

101 KING'S WAY/PO BOX 40

HAMPTON VIRGINIA 23669-0040 (757) 727-6106

SUBPOENA DUCES TECUM

To The SHERIFF OF: VIRGINIA BEACH CITY OR ANY AUTHORIZED OFFICER

CASE NO. 650CL97036817-01

ARE COMMANDED TO SUMMON:

PETE A. LIPPHARDT, STRUCTURAL ENGINEER OF STROUD PRNVR & ASSOCIATES, LTD, STROUD, PENCE, & ASSCOIATED,LTD 204 A GRAYSON ROAD

VIRGINIA BEACH, VA 23462

To PRODUCE IN THE CLERK'S OFFICE OF THE Hampton CIRCUIT COURT - LAW 101 KING'S WAY

/PO BOX 40

THOSE RECORDS AS SET FORTH IN THE ATTACHED REQUEST

OR BEFORE OCTOBER 21, 2005 AT 02:00 P.M.

PLEASE A Copy OF THIS SUBPOENA WITH YOUR RECORDS.

THIS SUBPOENA IS ISSUED ON APPLICATION OF THE PLAINTIFF IN THE OF JOYCE PATTERSON-BEGGS VS ALLIED BROKER'S INC.

DATE ISSUED: OCTOBER 05, 2005

CLERK: LINDA BATCHELOR SMITH

BY: Deputy Signature: Clerk Patricia Singletary

Instructions: PLEASE SEE ATTACHED

JOYCE PATTERSON-BEGGS-PRO SE 757-265-7784

Joyce Patterson-Beggs

312 South Willard Ave..

Hampton Va. 23663 757-265-7784

Joyce Patterson-Beggs

Vs. Case No 97-36817-01

Allied Broker's Inc. Owner John Pane d/b/a Panco Service

RE: Notice of Continuance Motion to Enter New Evidence October 2 t 7 2005 at 2:00 p.m.:

Dear Hon. Linda Smith

Please Process this Subpoena Duces Tecum in this above matter Pursuant to §16.1-89. Subpoena duces tecum; attorney-issued subpoena duces tecum.

A judge or clerk. of a district court may issue a subpoena duces tecum pursuant to the terms of Rule 4:9 of the Rules of the Supreme Court of Virginia except that such subpoena may be directed to a party to the case as well as to a person who is not a party.

The law governing subpoenas duces tecum issued by a clerk shall apply mutatis mutandis, except that attorneys may not issue subpoenas duces tecum in those cases in which they may not issue a summons as provided in § 8.01-407. A sheriff shall not be required to serve an attorney-issued subpoena that is not issued at least five business days prior to the date production of evidence is desired. When an attorney-at-law transmits one or more subpoenas duces tecum to a sheriff to be served in his jurisdiction, the provisions in § 8.01-407 regarding such transmittals shall apply.

On Behalf on this Pro" se Litigant Joyce Patterson-Beggs in good faith to Subpoena Dr. Pete A. Lipphardt an Structural

Engineer of Stroud7 Pence & Associates) Ltd. to appear on Said Motion date October 21 _ 2005 to Verify his report of the Plaintiff Properly along with a Copy of

Joyce Patterson-Beggs September 28, 2005

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SUBPOENA DUCES TECUM (CIVIL)

Attorney Issued

Va. 8.01 -413, 16,-89, 16 .1- 265

Commonwealth of Virginia Supreme Court Rules 1:4,4-9

Case No.: 97- 36817- 01

October 21, 2005 at 2:00 p. m. Hearing Date and Time Hampton Circuit Court 101 King's Way (Court room 2) Hampton Va. 23669

Joyce Patterson-Beggs et al

v

Allied Broker's Inc. et al

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:

You are commanded to summon Mr. Pete A. Lipphardt Structural Engineer of Stroud, Pence &. Associates Stroud, Pence, & Associates. LTD 204A Grayson Road Virginia Beach, Virginia 23462

TO the person summoned: You are commanded to make available the documents and tangible things designated and described below:

The Judge of the Hampton Circuit Court wants you to verify your Inspection Report, before entering it in to evidence in Case at Bar 97-36817 Along with a copy of on Report No: V03. 186 Of 312 South Willard Ave Dated December 11, 2003 at Court Room 2

Of The Hampton Circuit Court at October 21, 2005 At 2:00 p.m. to permit such party or someone acting in his or her behalf to inspect and copy) test or sample such tangible things in your possession, custody or control

This Subpoena Duces Tecum is issued by the attorney for and

on behalf of BY MUTATIS MUTANTIS OF THE HON. Clerk of Court under rules 4;9 on behalf of Joyce Patterson ET. AL. Hampton

Pro'se Litigant Joyce Patterson -Beggs

312 South Willard Ave. Hampton Virginia 23663

Officer Address

Hon. Linda Smith

101 King's Way Mall Hampton

September 28, 2005

Pro' Se Joyce Patterson-Beggs

757-265-7784

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CERTIFICATE OF COUNSEL

I, Joyce Patterson_ Pro se , counsel for Joyce Patterson-Beggs, Plaintiff, et al _ hereby certify that a copy of the foregoing subpoena duces tecum was deliver by Sheriff through Hampton Clerk Office

Allied Broker's Inc. et at counsel of record for Kathy Gear Owens on the this day of September 2005

Signature Joyce Patterson-Beggs

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